IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 52 of 2007()

CR.NO.68/06 OF THIRUVALLA EXCISE RANGE.

: PETITIONER/ACCUSED

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1. SAJU.K.S., S/O.ZKARIA,
KOLLAMKUDIYIL HOUSE, AZHAKKARANADU,
MANEED VILLAGE, MUVATTUPUZHA, ERNAKULAM.

2. BASIL.T.J., S/O.T.C.JOSE,
THARAKKANAL VEEDU, AZHAKKARANADU,
MANEED VILLAGE, MUVATTUPUZHA, ERNAKULAM.

BY ADV. SRI.M.S.MANIKANDAN

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, EXCISE RANGE,
THIRUVALLA BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 52 OF 2007

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DATED THIS THE 9th DAY OF JANUARY, 2007

O R D E R

Petitioners who are accused 1 and 2 in Cr.No.68/06 of Thiruvalla Excise Range for offences punishable under sections 55(a) and 67B of the Abkari Act for allegedly transported 4194 litres of spirit on 6.11.2006 in a tanker lorry and who were arrested on the same day, seek their enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioners. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioners are entitled to bail as of right.

3. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Thiruvalla and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn